

In re) Fair Hearing No. 11,588
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Appeal of)

The petitioner appeals the decision by the Department of Social Welfare not to deduct any of his Level III care expenses from his "applied income" in determining his eligibility for Medicaid.

In lieu of an oral hearing the parties submitted the following stipulation of Facts:

2. Petitioner pays a total of \$1,150 each month to Brownway for his room, board and personal care services.

4. Petitioner is otherwise eligible for Medicaid but for a deduction for medical services under M 9 432 from his applied income of \$929.22 for the period December 1, 1992.

5. The Department of Social Welfare has refused to

allow petitioner a spend-down deduction from his Medicaid

applied incomes for the amount paid to Brownway for personal care services.

ORDER

The Department's decision is reversed and the matter remanded to the Department to determine the cost of the medically necessary personal services provided by the petitioner's Level III home and to allow the petitioner a deduction from his applied income to reflect those costs.

REASONS

This case is indistinguishable factually from the findings in Fair Hearings No. 11,557, 11,206, and No. 10,525. The Board's decision in Fair Hearing No. 10,525 is incorporated by reference herein. If, after remand, the petitioner is dissatisfied with the amount allowed by the Department as a deduction from his applied income, he can petition the Board for further hearing on this issue.

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